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COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 31st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 2 April 2001, at 9 p.m.

Chairperson: Ms. AL-HAJJAJI (Vice-Chairperson) (Libyan Arab Jamahiriya)

later: Mr. DESPOUY (Chairperson) (Argentina)

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In the absence of Mr. Despouy (Argentina), Ms. Al-Hajjaji (Libyan Arab Jamahiriya), Vice-Chairperson, took the Chair.

The meeting was called to order at 9 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 9) (continued) (E/CN.4/2001/31; E/CN.4/2001/36, 37 and Corr.1, 38, 39, 40 and Add.1, 41, 42, 43 and Add.1, 44, 45 and Add.1 and Corr.1, 47 and Add.1 and Corr.1, 48, 107, 119, 122, 124, 127-129, 131, 132, 135, 140, 144, 149 and 150; E/CN.4/2001/134-E/CN.4/Sub.2/2001/3 and Add.1-3; E/CN.4/2001/NGO/8, 13, 29, 51, 75, 81, 85-89, 114, 121-124, 129, 136, 153, 156-158, 176, 180 and 183-186; E/CN.4/Sub.2/2000/8; A/55/269; A/C.3/55/5)

1. Mr. REZA ESHAGHI (Movement against Racism and for Friendship among Peoples) drew attention to a number of points in the report by the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran (E/CN.4/2001/39). Since that report had been written, another 17 newspapers had been closed and Iran had been described as the largest prison for journalists in the world by Reporters sans frontières. President Khatami's attempts to lead the country out of the middle ages and create a more tolerant society seemed to have failed. The official media had reported 80 executions - many of them carried out in public - including at least three cases of death by stoning, since the beginning of 2001. That figure did not include the large number of political opponents executed in secret or who had died under torture, and a further 800 death sentences had been confirmed by official sources. It appeared that the fight against drug-traffickers was being used as a pretext to destroy the political opposition.

2. There could be no true reform unless changes were made to the Constitution, but that had been ruled out recently by the President. The people were thus preparing to take their fate in their own hands and the authorities were losing control. A strongly-worded resolution was needed to condemn the atrocities committed against the Iranian people. Muslims everywhere should no longer allow the criminal attitude of the mullahs to tarnish the image of Islam.

3. Ms. BENKABOUCHE (World Alliance of Reformed Churches) gave some examples of the widespread and persistent human rights violations in Equatorial Guinea. Military checkpoints impeded free movement, the press was constantly harassed and the State-run telecommunications company cut off the telephones of political opponents. Jobs in the public sector or in the big private companies were open only to card-carrying members of the Partido Democrático de Guinea Ecuatorial. Justice was non-existent: the judiciary was controlled by the President and civilians were tried by military courts. The political parties that had managed to become legalized were constantly harassed, torture was practised almost systematically during police questioning and the regime's political opponents were imprisoned or killed. The

education system suffered from institutionalized corruption and the health sector was short of every kind of resource; Médecins sans frontières had been forced to leave the country because of harassment by the authorities.

4. The mandate of the Special Representative of the Commission on Human Rights to monitor the situation of human rights in Equatorial Guinea should be strengthened and his proposals implemented quickly. The governing regime should be held accountable by the Commission for making verifiable progress according to a strict timetable and all cooperation with the regime should also involve the opposition. Lastly, special attention should be paid to the multinational companies, especially the oil companies, working in the country, as they were complicit in many of the violations she had listed.

5. Mr. ABDELBAGI (World Federation of Democratic Youth) said that the regime in the Sudan could be described only as a serial violator of human rights and fundamental freedoms. Recent setbacks had dashed all hopes for the return of democratic governance and the rule of law. Emergency regulations gave the Government's security forces sweeping powers to deal with its opponents, and human rights were severely curtailed by repressive legislation such as the notorious Public Order Act. Meanwhile, the Government continued to press-gang youths and send them into battle with minimum training, which explained the high casualty rate in the intensifying civil war.

6. In his oral report to the Commission, the Special Rapporteur had failed to mention some serious human rights violations, including the unlawful killing by Government forces of hundreds of innocent civilians in Kassala in the second half of 2000 and the rigged elections held in December 2000. The Commission should reflect fully the content of General Assembly resolution 55/116 when dealing with the situation in the Sudan.

7. Mr. ACHOUR (Association Tunisienne des droits de l'enfant) said that economic and social rights formed the basis of political rights. People starving or dying from disease or exploited because they were illiterate or poor could not be free, even if it was not fashionable to say so. It was necessary to be even-handed in combating violations of economic and social rights: there could be no justification for turning a blind eye to the serious violations suffered by Arab, African and Asian people in Europe and America. It was also necessary to listen carefully to all the parties concerned with human rights violations so that they did not become entrenched in their positions. Just as no party was prepared to be the pupil, so no party could claim to be the perfect teacher.

8. Mr. AHMAD (World Muslim Congress) said that the people of Indian-occupied Kashmir were disappointed that the Commission did not deal with the situation there as a separate agenda item and made no visible effort to ease Indian oppression. Kashmiri society had been brutalized by the ubiquitous Indian soldiers, who had killed at least 60,000 people since 1989. Hopes for a negotiated solution had been raised by the declaration of the "Ramadan ceasefire", but the soldiers had used the declaration as a cover under which to continue their repressive activities with impunity. Citizens were denied the right to protest and there had been no reduction in extrajudicial killings, cases of torture, enforced disappearances or indiscriminate shootings.

9. Kashmiri representatives had been prevented from travelling to Pakistan for the purposes of consultation. The killing of Jaleel Ahmad on 14 February 2001 by the occupying forces had led to protests in Haigam and Maisuma at which eight more people had been killed and to the arrest of all mainstream Kashmiri leaders. The old and frail leader of the All-Parties Hurriyet Conference, Syed Ali Shah Gilani, had been badly beaten by the Indian security forces. The world knew little about the plight of the people of Kashmir because India refused entry to foreign journalists and human rights organizations and resisted visits by the Commission's special rapporteurs.

10. Mr. AL-ADHADH (Interfaith International) said that torture, extrajudicial killings, forced displacements of populations and other human rights violations continued to take place in Iraq. Unfortunately, the Special Rapporteur on the situation of human rights in Iraq had submitted an extremely watered-down report (E/CN.4/2001/42), to which the Iraqi Government had responded with its usual disregard for basic human rights principles. He hoped that the next report would reflect the reality of a country where injustice reigned and the violations of the political, social and economic rights of the Shiites were of tragic proportions.

11. Ms. BELLAMY (International Confederation of Free Trade Unions) condemned China for not respecting international labour standards and human rights. She said that people who had tried to set up free trade unions or give advice to workers were liable to be arrested and interned. The working conditions in the export processing zones, where young women formed the majority of the workforce, needed to be monitored carefully. The exploitation of children had resulted recently in a tragic accident in a school where they were forced to manufacture fireworks.

12. She recalled that Myanmar, where hundreds of thousands of people were used as forced labour, was subject to measures under article 33 of the Constitution of the International Labour Organization (ILO), and urged States to take all appropriate steps to discourage the use of forced labour in that country.

13. She then drew attention to a number of countries in which serious violations of human rights took place: one such country was Belarus; another was Morocco, where many trade unionists had been arrested and tortured by the police; in Swaziland, there had been a clampdown on trade unions, as a direct result of the Government's refusal to bring its labour code into line with international standards, and a union leader, Mr. Jan Sithole, had been arrested and ill-treated; and in Venezuela, the anti-trade union stance of President Chavez was a cause for concern.

14. There were other countries around the world where human rights violations persisted. They included countries in Latin America, the most dangerous region in the world for trade unionists, the countries in Africa and Asia where unions were banned, countries in the Gulf where unions were virtually non-existent, and the United States, where migrant workers were exploited.

15. Mr. DUPUIS (Transnational Radical Party) said that in the past year no one had refuted his party's allegations of serious human rights violations in Italy. Nor had anyone refuted its theories on the death of the Radio Radicale correspondent in Chechnya ...

16. Mr. ROGOV (Russian Federation), speaking on a point of order, asked the speaker to use the correct name for the Chechen Republic of the Russian Federation.

17. Mr. DUPUIS (Transnational Radical Party) said that, while Italy was well known for the malfunctioning of its system of justice, which had been found wanting on numerous occasions by the European Court of Human Rights, such shortcomings were nothing in comparison with its abuses of civil and political rights. The authorities were subject to no law and the decisions of the constitutional court were so arbitrary that the court actually violated the rights it was supposed to protect. The court had ruled out dozens of perfectly admissible referendums and the judicial authorities covered up violations of the fundamental rules of the electoral process. Moreover, his party did not receive any media coverage even for initiatives launched in conjunction with Nobel prizewinners and famous scientists. The competent international bodies should provide for international observers to be sent to Italy not only to monitor the forthcoming elections but also to observe the ongoing violations of fundamental rights.

18. Ms. LUTHI (International Movement against All Forms of Discrimination and Racism) said that the Roma living in Kosovo were subjected to violent attacks and faced intimidation, discrimination and harassment. It would be irresponsible, therefore, to allow the troops of the international security force in Kosovo (KFOR) to leave Kosovo or to allow Roma refugees to be deported back to Kosovo. The education of Roma children was suffering as a result of discrimination against them. Romany was no longer taught in the schools and, without a proper education, those children had less chance of becoming integrated or finding jobs. The Roma should enjoy the same rights as everyone else in Kosovo. The Commission should bring their plight to the attention of all relevant United Nations bodies in an effort to ensure that the Roma were able to live in safety and participate fully in the reconstruction of Kosovan society.

19. Mr. NAZIRI (New Human Rights) said that, on three occasions since the beginning of the year, public executions had been broadcast at prime time on Iranian State television. The reason why the country's leaders were parading that cruel, inhuman and degrading punishment in full public view - even though some ministers had said in the past that it should be performed behind closed doors for the sake of the country's international image - was, as the Special Rapporteur had noted, the mounting opposition to the Government. The situation had become explosive. How else could the killing of demonstrators protesting against water contamination or the executions by stoning be explained?

20. Speaking as a Muslim and Iranian citizen, he said that the human rights record of the current regime in the Islamic Republic of Iran showed disrespect for the principles of Islam, which nowhere advocated the execution of pregnant women or children as young as 12. He could not understand how certain countries could evoke Islam to justify blocking any resolution on the Islamic Republic of Iran and remain silent in the face of the suffering of the Iranian people.

21. Ms. GONZALEZ (Center for Justice and International Law) said that, although the change of government in Mexico in July 2000 had been an important step towards a stronger democracy, impunity was still a particularly serious problem and the justice system needed to be completely overhauled. The country was also being increasingly militarized, with more and

more posts in the public sector being occupied by military officers. The system of military justice needed to be reformed and the military should be withdrawn from policing and prosecutorial activities.

22. The introduction of the free-trade economic model had more than doubled the number of people living in poverty in Mexico, especially among the indigenous peoples. She hoped that discussions would soon lead to constitutional reform and new laws to give effect to indigenous people's rights. There was an urgent need to bring to justice the paramilitaries still active in Chiapas, as well as the local authorities that had encouraged them. The office of the High Commissioner for Human Rights in Mexico should not only provide technical assistance but also monitor the human rights situation in the country.

Statements in exercise of the right of reply

23. Mr. MENGESHA (Observer for Ethiopia) said that the allegations of human rights violations in Ethiopia made by the representative of Canada were totally unfounded. The Ethiopian Constitution clearly recognized freedom of the press, but such freedom was limited when defamation, incitement to ethnic hatred or threats to national security were involved. Journalists were taken to court only if they indulged in criminal activities.

24. He reminded the representative of Canada that the Ethiopian Constitution prevented the federal Government from intervening in the internal affairs of the Oromo ethnic group, which had its own constitution and independent administration. Lastly, he pointed out that the prison administration in Ethiopia was subject to the scrutiny of the Minister of Justice, with whom every prisoner was entitled to lodge a complaint if he or she believed that his or her human rights had been violated.

25. Mr. FERNÁNDEZ PALACIOS (Cuba) said that he would not waste the Commission's time by refuting the tirade delivered by the so-called non-governmental organization (NGO) "Freedom House", actually a United States government organ funded by the United States Agency for International Development (USAID) and the Central Intelligence Agency (CIA). Freedom House had never shown any interest in the human rights violations by the apartheid regime in South Africa or the Israeli Government in the occupied territories, but pursued its agenda by sending mercenaries and terrorists to Cuba and elsewhere. He invited delegates who wished to know precisely what the organization's activities were to attend a briefing being organized by his delegation.

26. Mr. PRASAD (India) said that the belligerent statement by the representative of Pakistan stemmed as usual from a compulsive hostility towards India. The situation in the Indian State of Jammu and Kashmir was the result of terrorism planned, financed, aided and abetted by Pakistan which, together with its ally the puppet Taliban regime in Afghanistan, was the world's principal source of international terrorism, intolerance and obscurantist ideologies. While the response from Kashmiri organizations to the repeatedly extended unilateral ceasefire announced by the Government of India had been positive, Pakistani-based terrorist groups had stepped up their activities. There had been an upsurge in killings of political activists and members of religious

minorities and in cross-border infiltration from Pakistan. It was high time that the Government of Pakistan realized that terrorism, insincere calls for dialogue and obfuscation of the facts were not the way to create the right atmosphere for dialogue.

27. Mr. RAJA NUSHIRWAN (Malaysia) said that the trial of Mr. Anwar Ibrahim and Mr. Sukma Dermawan for the criminal offence of sodomy had been conducted in accordance with due process of law and the sentence was within the legally prescribed limits. He could make no further comment on the matter as an appeal had been lodged and the case was sub judice.

28. With regard to the Internal Security Act, his Government believed that it was still relevant given the security situation and the political, economic and social background of the country. The Government did not condone the use of excessive force by any security personnel and cases of alleged police misconduct were being investigated by the authorities and the National Human Rights Commission. Efforts by security personnel to disperse illegal public assemblies had been carried out under strict procedures in accordance with the Police Act. The social disturbances near Kuala Lumpur earlier in the month were the result not of deep-seated hatred or premeditated acts, as had been alleged, but of a series of misunderstandings that had escalated into violence with the encouragement of certain irresponsible parties, who were being brought to justice.

29. His Government was firmly committed to implementing measures to maintain social harmony and public order. Its development projects were undertaken after consultations and took into consideration their impact on the community, including indigenous peoples.

30. Mr. VAEZ MAHDAVI (Observer for the Islamic Republic of Iran) said he strongly denied the unjust and politically motivated remarks made about his country by the representatives of certain NGOs. All the elements of a democratic system were in place in the Islamic Republic of Iran: free and fair elections, an independent judiciary, free media and an active civil society. The freely expressed will of the people governed all aspects of political, social and economic life. While it was true that drugs from neighbouring countries transited through the Islamic Republic of Iran, it was unfair to try to make political capital out of that by ignoring the considerable losses suffered by the Iranian security forces in their fight against the drugs trade. No country was perfect, and the international community at large recognized the progress that had been made in Iran in recent years.

31. Mr. Despouy (Argentina) took the Chair.

32. Mr. MAMBA (Swaziland) said that the allegations made by the representative of the International Confederation of Free Trade Unions in relation to Swaziland were patently untrue. His country's industrial relations act had been drafted with the help of ILO and the United States Government, and did indeed conform to international norms. There had been no clampdown on trade unions, which were active in all the major sectors of economic life, although they were of course expected to act within the law and if they breached the law, normal legal action was taken against them. The union leader referred to, Mr. Sithole, was still going about his business, making public statements at trade union meetings.

33. Mr. MORENO (Italy) said that the electoral system criticized by the representative of the Transnational Radical Party had nevertheless allowed that party to win seats in the Italian and European parliaments. It was untrue to say that no attempt had been made to refute the Party's earlier allegations, as his Government had made available to the Commission a complete set of the electoral laws and regulations in force in Italy. With regard to the alleged denial of media coverage, the media exercised editorial choice and was monitored by a commission consisting of representatives of the Chamber of Deputies and the Senate. The main reason that so many cases concerning Italy were taken to the European Court of Human Rights was, ironically, that Italy had three levels of appeal, which caused delays in the justice system. His Government was taking steps to rectify that, notably by the introduction of the "Pinto Act", which provided for compensation in cases of excessive delay. Moreover, there were built-in safeguards in the form of parliamentary commissions to ensure the constitutionality of all laws.

34. Mr. HUSSAIN (Pakistan) said that the statement by the representative of India was an attempt to deflect attention from India's deplorable human rights record in occupied Kashmir, where it had denied the Kashmiri people the right to self-determination for over 50 years, forcing them to take up arms in self-defence. The brutal repression by the Indian forces had left over 70,000 Kashmiris dead and the occupier continued to beat and incarcerate Kashmiri leaders and prevent them from travelling within and outside India to tell the world exactly what was happening. Moreover, India had repeatedly rejected his Government's requests for the deployment of international observers.

35. With regard to the frivolous remarks by the representative of Canada, he said that, before accusing others, Canada should improve conditions for its migrant communities and native Canadians and should take a more positive approach to the upcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (E/CN.4/2001/8, 10, 49-53 , 54 and Add.1 and Corr.1, 55 and Add.1, 56, 57, 62 and Add.1-2, 123 and 148; E/CN.4/2001/NGO/1, 4, 14, 15, 26, 30, 58, 60, 63, 80, 82, 103-106, 108, 109, 125, 131, 148, 154, 166 and 186; E/CN.4/2000/33; E/CN.4/Sub.2/2000/13)

36. Mr. MOLANDER (Observer for Sweden), speaking on behalf of the European Union and the associated countries of Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, said that the principle of the universality, interrelatedness, interdependence and indivisibility of all human rights was well established. Their indivisibility must be understood as the obligation to pay equal attention to all of them. Moreover, economic, social and cultural rights and civil and political rights were mutually reinforcing. For example, freedom of speech and association were indispensable for the promotion of economic, social and cultural rights, while the rights to education and health contributed to the enjoyment of civil and political rights.

37. International norms on economic, social and cultural rights were largely in place and the challenge was to implement them. In taking up that challenge, special attention must be paid to minorities, indigenous peoples and women, who were often disadvantaged in their enjoyment of those rights. Although the adoption of appropriate legislation was a key component in any

programme of implementation, it needed to be backed up by policies and programmes. The International Covenant on Economic, Social and Cultural Rights retained the concept of the progressive realization of those rights, in recognition of the fact that they could not all be implemented overnight. However, under no circumstances should that concept be interpreted as implying that States had a right to defer indefinitely their efforts to ensure full implementation. Indicators and benchmarks could contribute decisively to making the rights operational.

38. With regard to the proposed optional protocol to the Covenant, there was a need to analyse further the full impact of the establishment of a complaints mechanism, with regard inter alia to the progressive realization of economic, social and cultural rights, and to seek legal clarity on how to achieve optimal justiciability of those rights.

39. The Committee on Economic, Social and Cultural Rights should further explore the best ways of implementing those rights. The linkage between internationally recognized human rights norms and the work of United Nations agencies in the economic, social and cultural fields was crucial and the Union supported the Secretary-General in his efforts to mainstream human rights in the work of all United Nations agencies, funds and programmes. It also welcomed the important steps taken to provide new mechanisms as a way of securing the realization of economic, social and cultural rights, particularly the special rapporteurs in the important fields of education, food and adequate housing and the independent experts on human rights and extreme poverty and the right to development.

40. Human rights norms should provide a basis for policies to combat social exclusion and poverty, as they were a powerful tool for creating social cohesion and genuine democracy. He highlighted the need for a better understanding of the links between discrimination and poverty and the ways in which Governments could support development based on the principles of equality and social inclusion.

41. As poverty was clearly linked to the situation of women, any development agenda must address their empowerment. Education was a fundamental vehicle for combating poverty and resisting discrimination in all its forms. The Union attached great importance to the outcome of the special session of the General Assembly to review the World Summit for Social Development, in which the promotion and protection of human rights had been recognized as essential for the realization of people-centred sustainable development.

42. In conclusion, he urged all Governments to cooperate fully with the special rapporteurs and other human rights mechanisms. Such cooperation would contribute to the common goal of eliminating all human rights violations throughout the world.

43. Mr. NDIAYE (Senegal) said there was an unequivocal link between respect for civil and political rights and the full realization of economic, social and cultural rights. It was therefore disappointing that the only tangible progress in those areas had been in the field of civil and political rights, while the challenges linked to economic, social and cultural rights - the imbalance in international economic relations, the marginalization of entire regions and greater injustice - were becoming more complex. Despite the tireless efforts of the United Nations and its Member States, compliance with the provisions of the international instruments on economic,

social and cultural rights was far below expectations. That being the case, it was difficult to see how those rights could be realized if, as expected, the world population rose to 7 or 8 billion within the next 25 years, with half of those people living below the poverty line.

44. In many countries, economic reforms, trade liberalization and the realignment of the State and private sectors had not led to higher growth and development. Indeed, in most cases they had merely weakened the authority of the State while the international economic environment had remained largely unchanged.

45. He highlighted four courses of action that were vital if economic, social and cultural rights were to be implemented effectively: the weakest countries must be relieved of the debt burden hampering their development, and official development assistance (ODA) must be increased; the major obstacles to developing countries' trade must be removed; regional integration must be strengthened; and the needs of the developing - especially the least developed - countries must be taken into account during the preparatory process for the forthcoming trade negotiations. The Commission could help bring about a new form of cooperation for development based on respect for the principles of common interest, equality and collective responsibility.

46. In view of the disappointing results of the structural adjustment programmes and the increase in poverty, President Wade of Senegal had launched his "Omega Plan", inviting other African States to adopt a new vision that would allow them to tackle the thorniest development problems with the help of international cooperation. The areas targeted under the Omega Plan were also listed by the independent expert on the right to development as the main elements of the "development compact".

47. Mr. BERGH JOHANSEN (Norway) said that there were many examples of the interdependence of economic, social and cultural rights and civil and political rights. Indeed, it was very difficult to imagine a situation in which one set of rights could prosper if the other was violated. That interdependence was highlighted in the report of the Special Rapporteur on the right to education. There was also a growing recognition that sustainable, people-centred development and the fight against poverty were linked to the realization of all human rights. His Government welcomed all efforts to work with the two sets of rights in a holistic way to promote development and combat poverty.

48. States parties to the International Covenant on Economic, Social and Cultural Rights were under an obligation to do their best with the resources available to them to achieve the progressive realization of those rights, but it was not always easy to ascertain whether a country had done enough, say, to provide primary education or health services, as so many factors, including good governance and the international environment, were involved.

49. He commended the Committee on Economic, Social and Cultural Rights on its valuable work and urged it to continue linking up its work with other treaty bodies, United Nations agencies and the Bretton Woods institutions. Indicators and benchmarks should be developed to assess progress in the implementation of the rights concerned. In principle, his delegation

supported the establishment of a complaints mechanism, but it felt that further consultations and studies needed to be carried out before negotiations on an optional protocol to the Covenant began.

50. International assistance and the creation of an international environment conducive to development was clearly important, but States parties themselves had an obligation, regardless of their economic circumstances, to create an enabling environment in which individuals could meet their own needs and international assistance could be truly effective.

51. Mr. NUNES AMORIM (Brazil) said that one of the principles that should guide the work of the Commission was the notion that international human rights law should embody the moral imperatives of mankind. There was currently no greater moral imperative than the need to deal with the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) pandemic. According to the Joint United Nations Programme on HIV/AIDS (UNAIDS), the pandemic had so far killed over 20 million people and over 36 million were thought to be infected. He expressed satisfaction with the resolutions tabled in the past by the delegation of Poland, but believed that the Commission should pay more attention to a subject mentioned in its resolution 1999/49, namely, access to the medication used to treat the pandemic. Advances in medical treatment, which had reportedly increased the survival period of AIDS patients in some countries by 400 per cent, had to be globalized.

52. The role of the Commission in that area was to give clear guidance to Governments and international organizations. He expressed his delegation's satisfaction with General Comment No. 14 of the Committee on Economic, Social and Cultural Rights, which contained some elements of great analytical value. Governments should publicly acknowledge their duty to ensure that sufficient quantities of high-quality medicines to combat the HIV/AIDS pandemic were accessible to all without discrimination. At the national level, that would require Governments to refrain from any measures that might restrict or deny access to the medicines used to treat pandemics by their populations and to protect their access from any outside intervention.

53. At the international level, they should undertake to help people in other countries gain access to such medicines, especially in emergencies. In addition, Governments should also declare that any of their international actions would also take due account of the human right to health, so that the work of the international organizations would never have a negative effect on access to such medicines in the field. Underlying all those actions was the idea that, as President Cardoso had put it, where the choice was between profit and human life, the slightest hesitation to answer would already be immoral.

54. Mr. JIANG Wei (China) said that developing countries faced an uphill task in realizing their economic, social and cultural rights because of the irrational international economic order which had led to their further marginalization in the course of globalization. The facts were alarming: one fifth of the world's population consumed almost two thirds of the world's resources, while the poorest half of the world's population accounted for only 6 per cent of the world's income. Safe water, basic health care and a decent education, not to mention access to the Internet, were simply not available to millions of people.

55. The international community should formulate effective rules to guide the process of economic globalization so that it benefited everyone and narrowed the gap between rich and poor. The developing countries should have an equal right to participate in formulating the rules governing the global economy. The developed countries should take steps to create favourable conditions that would allow developing countries to protect and promote economic, social and cultural rights. His Government had recently reduced or written off debts to the amount of 10 billion yuan renminbi owed by African countries. The developed countries should follow suit, and should also increase their ODA.

56. The international community should treat all human rights equally, not give some preference over others, and should refrain from seeking out the smallest shortcoming in the developing countries while ignoring serious problems in the developed countries.

57. His Government had found a way to promote human rights that matched China's particular circumstances. The economy was healthy and growing, jobs were being created, work had started on a new social safety net, and progress had been made in virtually every economic, social and cultural sector. In addition, in February 2001, the National People's Congress had taken the decision to ratify the International Covenant on Economic, Social and Cultural Rights. The relatively short time needed to ratify the Covenant was further evidence of China's commitment to promoting and protecting human rights and to international cooperation in the field of human rights.

58. Mr. MAMBA (Swaziland) said that, much as his delegation appreciated the work of the special rapporteurs and independent experts, the Commission had not come close to ensuring that the 800 million people living in absolute poverty were able to enjoy their fundamental rights to food, shelter, basic health care and education. Nor had the global community lived up to the commitments entered into at the major United Nations summits and conferences of recent years.

59. Despite the steady growth of the global economy, the developing countries continued to experience serious economic problems, mainly as a result of natural disasters and falling commodity prices. In addition, the HIV/AIDS pandemic continued to pose severe human and economic challenges. Swaziland was one of the countries worst affected thereby and was also faced with the re-emergence of cholera and malaria. For that reason, his Government had increased the budgetary allocation for drugs by almost one fifth in the past year.

60. Another of his Government's priorities was education but adequate resources were, unfortunately, not yet available to provide free primary education. To add to the country's problems, the agricultural sector had suffered a major setback earlier in the year, as a result of an outbreak of foot-and-mouth disease.

61. He highlighted a number of forthcoming major United Nations events, including the Third United Nations Conference on the Least Developed Countries, which had a bearing on the Commission's work, and urged the international community, Governments, the private sector and civil society to implement the new goals and commitments adopted at those events in order to ensure the promotion and protection of economic, social and cultural rights throughout the world.

62. Mr. ADEKANYE (Nigeria) said that, regrettably, the principle of equality of economic, social and cultural rights and civil and political rights had been honoured more in the breach than in the observance, with the result that one fifth of the world's population was afflicted by poverty, hunger, disease, illiteracy and insecurity. Despite the best efforts of the leaders of the developing countries, globalization, the debt burden, diseases such as HIV/AIDS and declining ODA militated against the full enjoyment of economic, social and cultural rights by their peoples. He therefore welcomed the increasing attention devoted by the Commission to the challenges posed by those problems.

63. He agreed with the conclusion of the independent expert on structural adjustment and foreign debt that both creditors and debtor countries should give serious consideration to the integration of broader social development objectives into macroeconomic policies. The impact of structural adjustment policies on the provision of social services had been well documented. In that respect, he commended the reports of the Special Rapporteur on the right to education and looked forward to the input of the special rapporteurs on the right to food and on adequate housing.

64. Attaining the goal of economic and social rights for all peoples was a joint responsibility of the developed and the developing countries. In that regard, he called for the total debts of the developing countries to be written off. His own Government was currently implementing programmes to alleviate poverty and to provide universal basic education and access to affordable housing. It was also waging a vigorous anti-corruption campaign at home and was hopeful that the repatriation of looted funds would provide resources for Nigeria's development.

65. The Committee on Economic, Social and Cultural Rights and the Sub-Commission on the Promotion and Protection of Human Rights had an important role to play in exploring the most effective approaches to the implementation of economic, social and cultural rights. However, he did not believe that the proposal for a draft optional protocol to the Covenant was ripe for consideration, and further exchanges of views on the subject were desirable.

66. Ms. PEJIC (International Committee of the Red Cross) said it was curious that the ongoing international debate on the right to food had unfolded largely without reference to either armed conflict or international humanitarian law. If the human suffering caused by lack of food was to be prevented and alleviated, international humanitarian law must be seen as an essential component of the applicable legal framework.

67. It should be noted that the deliberate starvation of civilians in an international armed conflict was a war crime under the Rome Statute of the International Criminal Court and was also a serious violation of international humanitarian law in internal armed conflicts. Under humanitarian law, depriving the population of food sources and rendering useless such objects as crops or drinking-water supplies that were indispensable for the population's survival were also prohibited. In most circumstances, international humanitarian law also prohibited the forced displacement of civilians, which was a major cause of starvation in conflicts, and it contained specific rules on assistance, including the provision of food, to civilian populations in armed conflict situations.

68. The strength of humanitarian law lay in the fact that its numerous prescriptions had to be applied immediately, it was binding on both State and non-State actors, and it permitted no derogations. It was therefore clearly complementary to international human rights instruments dealing with the right to food. She welcomed the approach taken by the Special Rapporteur on the right to food as indicative of a growing awareness of that fact.

69. Mr. SCHLINGEMANN (United Nations Environment Programme (UNEP)) said that many of the fundamental rights enshrined in the Universal Declaration of Human Rights had significant environmental dimensions. For example, the right to freedom of expression included the right to express opinions on environmental issues, environmental conditions co-determined the enjoyment of basic rights such as the rights to health, adequate housing and food, and the fundamental right to life could be threatened by radioactivity, contaminated drinking water or the careless disposal of hazardous waste.

70. The activities of UNEP in assisting countries to develop and agree on environmental norms had thus in many ways contributed directly or indirectly to the protection of human rights. UNEP promoted capacity-building with a view to enhancing access to environmental information, public participation in decision-making and access to justice in environmental matters. It had organized pilot projects and seminars to support environmental institution-building in developing countries and taken steps to ensure the effective implementation of the existing multilateral environmental agreements.

71. The mounting worldwide concern over environmental problems was reflected in the rapid growth of environmental regulations and international agreements, but there was a need for cooperation at the national and international level to ensure compliance with them. As the right to a safe environment was implicit in that concern, UNEP would welcome the Commission's continued attention to the environmental dimensions of human rights. The Commission might wish to include in its contribution to the World Summit on Sustainable Development, to be held in South Africa in 2002, a set of recommendations on human rights and the environment, which would undoubtedly help the Summit to find ways to ensure that environmental agreements were implemented effectively.

72. Mr. SFEIR-YOUNIS (World Bank) said that the system of special rapporteurs and independent experts was certainly valuable, but not enough time was set aside by the Commission to allow all of their proposals, some of which were far-reaching, to be reviewed effectively. He would therefore restrict himself to some general comments on their reports. Their current insistence on implementation was not necessarily healthy since, while it might advance the agenda in the short term, it could be a major hindrance in the long term. Their justification of a given right was at times indistinguishable from the desired outcome. There was little consistency in the way special rapporteurs interpreted the material on which they based their reports, even when their mandates appeared to overlap. When the reports were taken as a whole, no consistent approach emerged; for instance, there was little consistency in the recommendations for tackling poverty.

73. On the other hand, the reports did seem to have a marked preference for institutional responses rather than operational ones. Sometimes, multidimensional issues were tackled on the basis of simple sectoral approaches that ignored the complexity of the issues facing developing

countries. The special rapporteurs' starting points were all too often based on laws and regulations, at the expense of equally important economic, social, cultural and other dimensions, and that approach led to the alienation of many actors. International organizations were often portrayed in the reports as all-powerful and countries as victims, whereas, in his experience, countries were very much the masters of their own destinies. The diversity of approaches advocated by the international organizations and countries was healthy and must be preserved; nothing would be gained by trying to reduce the different parts of the United Nations system to some "lowest common denominator".

74. The CHAIRPERSON said that one of the major obstacles to the realization of human rights, especially economic, social and cultural rights, was indeed the lack of attention paid to operational aspects. The Bureau would look carefully at the possibility of allocating more time to the specialized agencies and other United Nations bodies at the next session of the Commission to allow them to express their views in more detail.

75. Mr. ALCAINE CASTRO (Observer for El Salvador) said that the people of El Salvador were living in a constant state of apprehension following the two large earthquakes and numerous aftershocks that had hit the country since the beginning of the year. The impact of the earthquakes on people's enjoyment of economic, social and cultural rights was comparable to that of Hurricane Mitch two years earlier, given the "close relationship between human rights and sustainable development", in the words of the Chairperson's statement in that context at the Commission's fifty-fifth session. The earthquakes had caused over a thousand deaths and damage estimated at almost 2 billion dollars. Education, health, housing, electricity, water and sanitation services had been badly affected and every production sector had been affected. The hardest-hit sections of the population had been the poorest and most vulnerable - women, children and old people.

76. The disaster had come at a time when the Government was pressing forward with economic and political reform. However, the people's resilience in the face of the disaster had encouraged the Government to seize the opportunity to rebuild with a renewed sense of purpose, and to carry out institutional, legal and structural reforms that would reduce the country's economic, social and environmental vulnerability and strengthen democracy and the promotion and protection of all human rights. The Government's new programme, revised in the light of events, would seek a true transformation of the country in a context of participation, transparency and shared responsibility.

77. He thanked the international community for its help in coping with the emergency and the support it had shown at the recent meeting of the Consultative Group in Madrid for a long-term partnership to rebuild and transform El Salvador.

78. Mr. OYARCE (Observer for Chile) said that the legal basis for giving equal importance to economic, social and cultural rights and to civil and political rights had been established and it was time to move on to the implementation phase. The analysis in the reports of the special rapporteurs and independent experts provided some interesting legal insights into that phase. However, the idea of drawing up an optional protocol to the Covenant raised a number of technical questions that would require further analysis. One of the Commission's roles in future would be to study and propose ways to ensure the effective enjoyment of economic, social and

cultural rights in all countries, paying particular attention to the constraints faced by those countries with limited resources, including the costs of servicing their external debt. The special rapporteurs and experts should not only deal with the legal basis of rights but should also focus on implementation instruments at the macro, sectoral and community levels. As the representative of the World Bank had said, the special rapporteurs and experts should avoid simple sectoral approaches when a multisectoral and multidisciplinary approach was called for.

79. He welcomed the signs that international organizations such as the World Bank and the International Monetary Fund (IMF) were open to dialogue, and said he would be interested in finding out in more detail about the contributions of those organizations to the realization of economic, social and cultural rights. The Commission should make sure its resolutions on the subject provided practical guidelines to ensure that the reports submitted to it promoted the implementation of economic, social and cultural rights and provided useful inputs for the work of the Economic and Social Council and conferences such as the Third United Nations Conference on the Least Developed Countries.

80. Mr. GUNARATNA (Observer for Sri Lanka) said that it had been universally accepted that widespread and extreme poverty inhibited the full enjoyment of human rights. As pointed out in a report by the independent expert on the question of human rights and extreme poverty (E/CN.4/2000/52), there was an emerging consensus that priority should be given to the rights to food, education and primary health care. Ever since Sri Lanka's independence, successive Governments had taken measures to raise people's standards of living, ensuring that basic food items, housing and free medical services and education were available. The present Government had launched an initiative called the Samurdhi Programme to eradicate poverty and reach out to those in less advantageous circumstances.

81. The benefits of all those government initiatives were visible in the country's human development indicators – high life expectancy, low infant mortality, an almost perfect primary-school enrolment rate and a high adult literacy rate. Access to free education for both males and females, including at university level, had contributed substantially to Sri Lanka's development. Maternal and child health services had been promoted and family planning programmes had successfully reduced fertility rates and population growth. Awareness programmes on reproductive health were conducted for vulnerable groups, including displaced and migrant women, and there were several programmes to assist needy families in constructing or upgrading houses.

82. He welcomed the Commission's decision to renew the mandate of the independent expert on the question of human rights and extreme poverty and to appoint special rapporteurs on adequate housing, the right to food and the right to education.

The meeting rose at midnight.